



15 DEC 2006

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In re Application of
DAVIS, et al.

Application No.: 10/585,221

PCT No.: Undetermined

Int. Filing Date: 13 October 2005

Priority Date: 13 October 2004

Atty. Docket No.: ANVIL.001BNP4

For: KIT FOR TREATING VASCULAR
BIFURCATIONS

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DECISION ON PETITION

UNDER 37 CFR 1.10(e)

This is a decision on applicant's "Petition For Correspondence Never Received Under 37 C.F.R. § 1.10(e)" filed 27 October 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 October 2005, applicant filed international application PCT/US05/36987 which claimed priority to an earlier U.S. application filed 13 October 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2007.

On 30 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by payment of the U.S. basic national fee, a copy of the international application, 12 pages of replacement drawings, a declaration and a first preliminary amendment. Applicant requested an express commencement of National stage processing.

On 27 October 2006, applicant filed the present petition under 37 CFR 1.10(e).

DISCUSSION

A review of the application file finds applicant's original filing contained therein. As such, it is not necessary to consider the petition under 37 CFR 1.10(e) to accept the copies presently filed as having been filed on 30 June 2006. Applicant is advised that a review of the transmittal letter shows that the international application number listed therein is identified as "PCT/US2005/026987." The title, inventor and priority information correspond to international

application number PCT/US2005/036987. In order to proceed in the U.S. national stage with the present application considered the U.S. national stage entry of international application PCT/US05/36987 applicant is required to file a petition under 37 CFR 1.182 to have the number of the transmittal letter changed to the correct international application.

CONCLUSION

Applicant's petition under 37 CFR 1.10(e) is **DISMISSED as moot.**

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file a proper response as discussed above. Any such response should include a cover letter entitled "Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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